



07-23-04

AF 3764

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Practitioner's Docket No.: 100\_007 CIP-RCE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Dwayne Lacey

Serial No.: 09/935,297

Art Unit: 3764

Filed: August 22, 2001

Examiner: DeMille, D.

Confirmation No.: 9672

For: HEAD MASSAGING DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on July 22, 2004 under "EXPRESS MAIL" mailing label number **EV 45630 8495 US**.

Janet M Stevens  
Janet M. Stevens

**CERTIFICATION UNDER 37 C.F.R. § 1.97(e)**

Sir:

[ ] Each item of information contained in the Information Disclosure Statement filed herewith was *first* cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

OR

[X] No item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

Kevin C. Brown

Kevin C. Brown  
Reg. No. 32,402

KCB:jms

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

Customer No.: 025191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320

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Janet M. Stevens

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference listed on the attached Form PTO-1449. A copy of the reference listed on Form PTO-1449 is attached.

In addition, the attention of the Examiner is directed to the fact that a Request for *ex parte* Reexamination of U.S. Patent No. 6,309,365, granted on the parent of the present application, has been filed by a third party, and has been assigned Reexamination Control Number 90/007,094.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of this

application, and that this reference be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

July 22, 2004

Date

  
\_\_\_\_\_  
Kevin C. Brown

Reg. No. 32,402

KCB:jms

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

Customer No.: 025191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

JUL 22 2004

(use as many sheets as necessary)

Sheet

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of

1

<i>Complete if Known</i>	
Application Number	09/935,297
Filing Date	August 22, 2001
First Named Inventor	Dwayne Lacey
Art Unit	3764
Examiner Name	DeMille, D.
Confirmation No.	9672
Attorney Docket No.	100_007 CIP-RCE

## U.S. PATENT DOCUMENTS

Exam. Initial		Document Number	Date	Name	Our Docket No.	Class	Sub Class	Filing Date
	AS	2,427,610	09/16/1947	E. M. Konig				

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation	Abstract

OTHER DOCUMENTS  
(Including Author, Title, Date, Pertinent Pages etc.)


Examiner:	Date Considered:
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.